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**REMARKS**

Claims 1-19 are pending. The Applicants respectfully request the Examiner to reconsider the rejections in view of amendments to the claims now presented and the following remarks.

The Applicant respectfully begins by highlighting to the Examiner that the problem in the cabinet industry addressed by the instant invention is entirely separate and distinct from the problem addressed and solution provided by Walburn. Particularly, Walburn addresses the specific problem of proper alignment of the *face panel* of a cabinet by devising an *indirect means to adjustably attach* a face panel to the *front* of the sliding rail. In sharp contrast the current invention is directed to a means for mitigating torsional stress and corollary damage to the *back* of the cabinet; particularly, damage to the track boot which *directly* anchors the sliding rail to the back of the cabinet. Moreover, one of skill in the art at the time of the invention faced with the problem<sup>1</sup> solved by the Applicant 1) would not be motivated to, and 2) could not address the problem of torsional stress to the back of the cabinet by employing any of the elements taught by Walburn. **First**, since the problem addressed by Walburn, i.e., a means “for adjustably mounting a drawer face panel”, is not related to relieving torsional stress at the back of the cabinet, motivation to the invention of Walburn to solve the problem addressed by the Applicant is absent. Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.<sup>2</sup> **Second**, even if the elements of Walburn are applied to the problem addressed by the applicants the problem, *per se*, is not solved. Now required by the claims presented herewith is a *specific and distinct stress relieving plate mounted on the surface of a drawer track boot at the back* of the cabinet.

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<sup>1</sup> Torsional stress and consequential damage to the *back* of the cabinet.

<sup>2</sup> The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

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The subject matter of claims 1-8 and 10-19 is rejected under 35 U.S.C. §102(e) as anticipated by the disclosure of U.S. Patent No. 6,390,576 ('576) to Walburn.

Anticipation under 35 U.S.C. § 102(e) requires a finding that each and every limitation is found in a single prior art reference.<sup>3</sup> The Examiner has fundamentally concluded that the Applicant's claims encompass at least one embodiment within the disclosure of Walburn.

The claims now presented cannot, as a matter of law, encompass any embodiment within the disclosure of Walburn '576. The Examiner is respectfully referred to FIG.3 of the Walburn '576 disclosure wherein the specific inter-relationships of: the face panel (13), the slide rail (18), the stand (24), and the angled bracket (34) are shown.<sup>4</sup> Walburn unambiguously describes the *Front Face Mounting Apparatus* as an apparatus for adjustably mounting a drawer face panel onto a drawer slide.<sup>5</sup> Most importantly, as seen in Walburn '576 FIG. 3, the stand 24 is L-shaped piece secured to the slide rail 18 (bolt holes 29) proximate to the face panel 13 of the cabinet. The angled bracket 34 is a corner piece which directly connects the face panel 13 (drawer face attachment slots 42, and drawer face attachment holes 41) and to the stand 24 (threaded holes 28) - thereby adjustably attaching the face panel 13 to the slide rail 18.

The subject matter of the claims is now further distinguished from the disclosure of Walburn '576 in view of the amendments presented herewith. Particularly, the claims presented herewith now require a stress relieving plate mounted on a surface of a drawer track boot which surface is opposite a surface of the boot that is anchored directly to the inside of a cabinet distal to a drawer receiving opening. With reference to FIG.9 of the instant specification, the claims fundamentally now require the stress relieving plate 10 to be mounted on the track boot 60 which is directly mounted *on the back of the cabinet* to secure the slide rail to the back of the cabinet.<sup>6</sup>

<sup>3</sup> Celeritas Techs. Inc. v. Rockwell Int'l Corp., 150 F.3d 1354, 1360, 47 USPQ2d 1516, 1522 (Fed. Cir. 1998).

<sup>4</sup> Walburn describes the physical relationship between these elements, for example, at col.4, line 49 - col.6, line 11.

<sup>5</sup> '576 Abstract, first sentence.

<sup>6</sup> Inside of a cabinet distal to a drawer receiving opening.

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Accordingly, the claims now presented cannot, as a matter of law, encompass any embodiment within the disclosure of Walburn '576.

The Applicants therefore respectfully request the Examiner to withdraw the rejection.

**The subject matter of claim 9 is rejected under 35 U.S.C. §103(a) as being obvious in view of the Walburn '576 disclosure.**

An artisan of ordinary skill in the art at the time of invention, confronted by the same problems as the Applicant and with no knowledge of the claimed invention, would not be motivated to select elements from Walburn and employ them in the claimed manner. *See, Ruiz v. Chance*, Fed. Cir. 03-1333, Decided January 29, 2004. The Applicants moreover respectfully submit that the obviousness rejection is obviated by the amendment to claim 9 presented herewith.

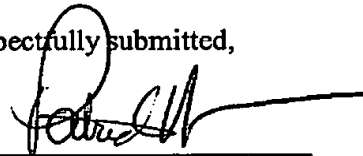
The Applicants therefore respectfully request the Examiner to withdraw the rejection.

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For all the foregoing reasons, the Applicants submit that Claims 1-19 are in condition for allowance. Early action toward this end is courteously solicited. The Examiner is kindly encouraged to telephone the undersigned in order to expedite any detail of the prosecution.

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection herewith to Deposit Account No. 13-2165.

Respectfully submitted,



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